

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

THOMAS R. MONTGOMERY,

Plaintiff,

v.

**WINDLE HARDY,
Grady County Commissioner, et al.,**

Defendants.

Case No. CIV-15-294-M

REPORT AND RECOMMENDATION

Plaintiff Thomas R. Montgomery, a state prisoner appearing pro se, commenced this civil action on March 23, 2015, and concurrently requested leave to proceed *in forma pauperis*. Chief United States District Judge Vicki Miles-LaGrange referred the case to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636(b).

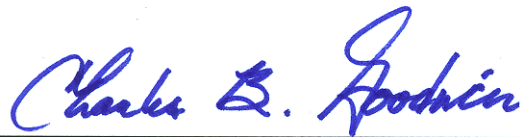
On June 18, 2015, after allowing Mr. Montgomery to attempt to correct various deficiencies, the Court granted Mr. Montgomery's request for leave to proceed *in forma pauperis* and directed that Mr. Montgomery pay an initial partial filing fee of \$10.75 by July 17, 2015. Order, Doc. No. 12, at 2; 28 U.S.C. § 1915(b)(1). Mr. Montgomery was advised that failure to pay could result in dismissal of the action. Order, Doc. No. 12, at 2-3. To date, Mr. Montgomery has neither paid the initial partial filing fee nor shown good cause for the failure to do so. Accordingly, the undersigned recommends that Mr. Montgomery's Complaint (Doc. No. 1) be DISMISSED without prejudice to refiling. See LCvR 3.3(e).

NOTICE OF RIGHT TO OBJECT

Plaintiff is advised of the right to file an objection to this Report and Recommendation with the Clerk of this Court by September 7, 2015, in accordance with 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72. Plaintiff is further advised that failure to timely object to this Report and Recommendation waives the right to appellate review of both factual and legal issues contained herein. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation terminates the referral in the present case.

ENTERED this 17th day of August, 2015.



CHARLES B. GOODWIN
UNITED STATES MAGISTRATE JUDGE